

Bryan W. Shaw, Ph.D., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

December 20, 2013

Ms. Bridget Bohac, Chief Clerk  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC-105  
Austin, Texas 78711-3087

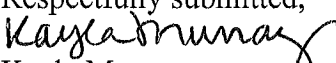
Re: Docket No. 2013-1052-DIS. Petition for conversion of Fort Bend County Water Control and Improvement District No. 3 in Fort Bend County, Texas, to a Municipal Utility District.

Dear Ms. Bohac:

Enclosed for filing with the Texas Commission on Environmental Quality (Commission) is the original plus seven copies of the following backup materials for the January 15, 2014, agenda item on the above-referenced matter:

1. Staff Memorandum;
2. Proposed order;
3. Resolution for Conversion of Fort Bend from a WCID to a MUD;
4. Notice of Hearing;
5. Affidavit of Publication;
6. Mailing List; and
7. Caption.

Please do not hesitate to contact me at (512) 239-4761 if you have any questions. Thank you for your attention to this matter.

Respectfully submitted,  
  
Kayla Murray  
Staff Attorney  
Environmental Law Division

Enclosure

cc: Mailing List



# **Texas Commission on Environmental Quality**

## **TECHNICAL MEMORANDUM**

**To:** Tammy Benter, Manager  
Utilities and Districts Section

**Date:** June 14, 2013

**Thru:** Sandy Van Cleave, Leader  
Utilities and Districts Section

**From:** Ren Berra  
Districts Creation Review Team

**Subject:** Docket No. 2013-1052-DIS; Fort Bend County Water Control and Improvement District No. 3; Petition for Conversion to a Municipal Utility District. Pursuant to Texas Water Code Chapters 49 and 54 and Title 30 Texas Administrative Code Chapter 293.  
TCEQ Internal Control No. D-01232013-010 (TC)  
CN: 600735955 RN: 101420719

### **A. GENERAL INFORMATION**

On January 23, 2013, the Texas Commission on Environmental Quality (TCEQ) received the above reference application from Fort Bend County Water Control and Improvement District No. 3 (District). The Resolution within the application requests TCEQ approval to convert the District from a Water Control and Improvement District (WCID) to a Municipal Utility District (MUD).

#### **History**

The District was created by Order of the Fort Bend County Commissioners' Court on November 25, 1997, to provide water supply, treatment and distribution facilities for the single-family residential development of Texana Plantation and its adjoining commercial development. By TCEQ Order, dated July 25, 2003, the District was granted additional power to provide drainage services to its residents and by Order dated November 17, 2010, the TCEQ approved the District's fire protection plan and "Fire Protection Agreement" with the City of Richmond (City) for fire-fighting services.

The District's use of surplus construction and operation and maintenance tax funds and three utility bond issues have previously funded District facilities serving 224 equivalent single-family connections (ESFCs) on 350.82 developable (383.10 total) acres.

#### **Location**

The District is located in central Fort Bend County approximately 3 miles northeast of the City of Richmond's central business district and 23 miles southwest of the City of Houston's central business district. The District is located within the extraterritorial jurisdiction of the

Exhibit "A"

City of Richmond and is bounded on the south by F.M. 359 and on the east by Farmer Road.

At the time of creation, the District contained 133.927 acres. With subsequent annexations, the District now contains a total of 383.10 acres of land.

## **B. ENGINEERING ANALYSIS**

### **1. Water Supply**

Information on file indicates that the District's water supply is groundwater provided by its two water plants. In addition, the District has a normally closed emergency water line interconnect with Pecan Grove MUD.

### **2. Wastewater Treatment**

Homes in the District are served individually by private on-site aerobic treatment systems.

### **3. Storm Water Drainage**

Storm water drainage within the District is generally collected and discharged by a system of open ditches, storm and drainage channels which ultimately discharge into Jones Creek.

## **C. PROJECT FEASIBILITY**

### **1. Status of Development**

Serving 224 ESFCs, the District is built-out. According to information provided by the District, the January 1, 2013 certified taxable assessed valuation is \$104,156,757. Based on \$4,500,000 in bonds approved by voters, \$4,500,000 in utility bonds were previously approved by the TCEQ and issued by the District. With a reported outstanding bond debt of \$3,795,000, the District maintains a total tax rate per \$100 assessed valuation of \$0.45 (\$0.29 debt service and \$0.16 maintenance tax rates).

Based on the District's combined projected tax rate of \$0.45 and the year 2012 overlapping tax rates on land within the District, the project is considered economically feasible.

### **2. Water and Wastewater Rates**

Based on the District's rate information provided with the application, the costs for 10,000 gallons of water for a single family residence is \$35.00 per month.

## **D. SPECIAL CONSIDERATIONS**

### **District Name Change**

By Board Resolution dated October 19, 2012, the District requested that the name of the

Tammy Benter, Manager

Page 3

June 14, 2013

District remain the same after conversion.

**E. CONCLUSIONS**

1. Based on a review of application material, and the combined projected tax rate of \$0.45 per \$100 assessed valuation, the conversion to a MUD meets the requirements of the economic feasibility rules of 30 Texas Administrative Code Section 293.59.
2. The conversion to a MUD would be a benefit to the land and serve the best interest of the District.
3. The recommendations are made under authority delegated by the Executive Director of the TCEQ.

**F. RECOMMENDATIONS**

Grant the request of Fort Bend County Water Control and Improvement District No. 3 for its conversion from a water control and improvement district operating under Chapters 49 and 51 of the Texas Water Code to a municipal utility district operating under Chapters 49 and 54 of the Texas Water Code.

**G. ADDITIONAL INFORMATION**

The District's consultants are listed as follows:

Mr. Josh Kahn – Sanford Kuhl Hagan Kugle Parker Kahn LLP – 1980 Post Oak Blvd, Suite 1380 – Houston, Texas 77056-3970

Mr. Trey Schneider – PBK Engineers – 11 E Greenway Plaza, Suite 2210 – Houston, Texas 77046-1162



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## **AN ORDER GRANTING THE CONVERSION OF FORT BEND COUNTY WATER CONTROL AND IMPROVMENT DISTRICT NO. 3 INTO A MUNICIPAL UTILITY DISTRICT**

**DOCKET NO. 2013-1052-DIS**

On January 15, 2014, the Texas Commission on Environmental Quality (Commission) met in regular session at its offices in Austin, Texas, to consider the application of Fort Bend County Water Control and Improvement District No. 3 (District) for conversion into a municipal utility district pursuant to TEX. WATER CODE ANN. §§ 54.030 - 54.036 and 30 TEX. ADMIN. CODE § 293.15.

The Commission has jurisdiction to consider this matter and the following Findings of Fact and Conclusions of Law are appropriate after examining the application and supporting documentation:

### **FINDINGS OF FACT**

1. On January 23, 2013, an application (including the District's Resolution) requesting the conversion of the District into a municipal utility district was filed with the Commission pursuant to TEX. WATER CODE Chapters 49 and 54 and 30 TEX. ADMIN. CODE chapter 293.
2. The Resolution adopted by the governing body of the District on December 21, 2012, declared that in the judgment of the governing body, conversion of the District into a municipal utility district would serve the best interests of the District and would be a benefit to the land and property within its boundaries, and the governing body requested that the Commission hold a hearing on the question of the conversion of the District pursuant to TEX. WATER CODE § 54.030.
3. The Executive Director reviewed the application and found that conversion to a municipal utility district would serve the best interests of the District and would be a benefit to the land within the District's boundaries. The Executive Director recommended approving the District's application.
4. Proper notice of the application was given by publication on October 11, 2013, and October 18, 2013, in the Fort Bend Herald newspaper regularly published and generally circulated in Fort Bend County, where the District is located, pursuant to TEX. WATER CODE ANN. § 54.032 and 30 TEX. ADMIN. CODE § 293.15.

5. The appropriate and necessary deposits and fees associated with the filing of the application have been paid to the Commission.

### **CONCLUSIONS OF LAW**

1. The Commission has jurisdiction to consider the application and is authorized to make and enter its Findings of Fact, Conclusions of Law, and Orders with respect to the request for conversion of the District into a municipal utility district.

2. The application of the District conforms in all respects to TEX. WATER CODE § 54.030 and 30 Tex. Admin. Code § 293.15; is in proper and legal form; and the purposes thereof are lawful.

3. All statutory and regulatory requirements for conversion of the District into a municipal utility district have been fulfilled pursuant to TEX. WATER CODE §§ 54.030 - 54.036 and 30 TEX. ADMIN. CODE § 293.15.

NOW THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that the Utilities and District's Section's memorandum dated June 14, 2013, is hereby attached as Exhibit "A" and incorporated as part of this order. The District's request for conversion of the District from a water control and improvement district operating under TEX. WATER CODE Chapters 49 and 51 to a municipal utility district operating under TEX. WATER CODE Chapters 49 and 54 is hereby approved.

The District shall file a copy of this Commission Order in the deed records of Fort Bend County, Texas.

The Chief Clerk of the Commission shall forward a copy of this Order to all affected persons.

If any provision, sentence, clause or phrase of this Order is, for any reason, held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

Issue Date:

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For the Commission



## EXHIBIT "A"

### CERTIFICATE FOR AMENDED AND RESTATED RESOLUTION DECLARING DISTRICT BE CONVERTED TO A MUNICIPAL UTILITY DISTRICT AND REQUESTING HEARING ON CONVERSION

THE STATE OF TEXAS

COUNTY OF FORT BEND

FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 3

§  
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§

We, the undersigned officers of the Board of Directors of Fort Bend County Water Control and Improvement District No. 3 (the "District"), hereby certify as follows:

1. The Board convened in regular session, open to the public, on the 21st day of December, 2012, at the regular meeting place thereof, and the roll was called of the members of the Board, to-wit:

Ann Heil	-	President
Jim Grissom	-	Vice President
Chayo Huff	-	Secretary
Lloyd W. Knapp	-	Assistant Secretary
<del>Chris Raper</del> Gloria Couch	-	Assistant Secretary

All members of the Board were present, except the following absentees: Director Couch, thus constituting a quorum. Whereupon, among other business, the following was transacted at such meeting:

#### RESOLUTION DECLARING DISTRICT BE CONVERTED TO A MUNICIPAL UTILITY DISTRICT AND REQUESTING HEARING ON CONVERSION

was duly introduced for the consideration of the Board. It was then duly moved and seconded that such Resolution be adopted; and, after due discussion, such motion, carrying with it the adoption of said Resolution, prevailed and carried by the following vote:

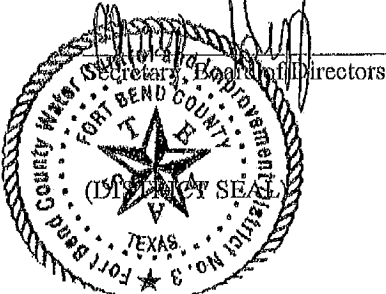
AYES: 4

NOES: 0

2. A true, full, and correct copy of the aforesaid Resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this Certificate; such Resolution has been duly recorded in said Board's minutes of such meeting; the above and foregoing paragraph is a true, full, and correct excerpt from the Board's minutes of such meeting pertaining to the adoption of such Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance of the time, place, and purpose of such meeting and that such Resolution would be introduced and considered for adoption at such meeting and each of such officers and members consented, in advance, to the holding of such meeting for such purpose; such meeting was open to the public, as required by law, and public notice of the time, place and purpose of such meeting was given as required by V.T.C.A., Government Code, Chapter 551, as amended.

SIGNED AND SEALED this 21st day of December, 2012.

  
President, Board of Directors



RESOLUTION DECLARING DISTRICT BE CONVERTED TO A  
MUNICIPAL UTILITY DISTRICT AND REQUESTING HEARING ON CONVERSION

THE STATE OF TEXAS

COUNTY OF FORT BEND

FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 3

§  
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WHEREAS, Fort Bend County Water Control and Improvement District No. 3 (the "District") has heretofore been duly created as a water control and improvement district and is organized and operating pursuant to the provisions of Article XVI, Section 59 of the Texas Constitution and Chapters 9 and 51 of the Texas Water Code (the "Code"), as amended; and

WHEREAS, Sections 54.030 to 54.036 of the Code, both inclusive, permit a water control and improvement district to be converted into a municipal utility district to be governed by the provisions of Chapter 54 of the Code; and

WHEREAS, the Board of Directors (the "Board") of the District has considered the matter and has found that it would serve the best interest of the District and would be a benefit to the land and property included in the District for the District to be converted from a water control and improvement district into a municipal utility district operating under and governed by the provisions of Chapters 49 and 54 of the Code, and Article XVI, Section 59, Texas Constitution; and

WHEREAS, the Board desires to request the Texas Commission on Environmental Quality ("TCEQ") to hold a hearing on the question of the conversion of the District.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 3 THAT:

Section 1: The matters and facts recited in the preamble to this Resolution are hereby found and declared to be true and correct.

Section 2: In the judgment of the Board of Directors of Fort Bend County Water Control and Improvement District No. 3, it would serve the best interest of the District and would be a benefit to the land and property included in the District for the District to be converted from a water control and improvement district into a municipal utility district operating under and governed by Chapters 49 and 54, Texas Water Code, as amended, and Article XVI, Section 59, Texas Constitution.

Section 3: The Board, by and through this Resolution, specifically requests, pursuant to 30 T.A.C. 293.15(b)(3), that the TCEQ waive the requirement that the District submit a preliminary plan showing the location of existing facilities including highways, roads, and other improvements together with the location of proposed utility mains and sizing, general drainage patterns, principal drainage ditches and structures, utility plant sites, recreational areas, commercial and school sites, areas within the 100-year flood plain, and any other information pertinent to the project, as this Resolution does not contemplate a project, and is simply for conversion of the District to a municipal utility district operating under Chapters 49 and 54, Texas Water Code, as amended.

Section 4: The Board, by and through this Resolution, specifically requests, pursuant to 30 T.A.C. 293.15(b)(4), that the TCEQ waive the requirement that the District submit a preliminary

engineering report, as this Resolution is for conversion of the District to a municipal utility district operating under Chapters 49 and 54, Texas Water Code, as amended.

Section 5: The Board, by and through this Resolution, specifically requests the TCEQ to hold a hearing on the question of the conversion of the District into a municipal utility district.

Section 6: If, after the hearing, the TCEQ finds that it would serve the best interest of the District and would be a benefit to the land and property in the District for the District to be converted from a water control and improvement district into a municipal utility district, and if the TCEQ enters its order so converting the District, the Board hereby requests that the TCEQ include in its order a provision declaring that the name of the District remain the same after the conversion.

Section 7: There are no specific powers applicable to water control and improvement districts which the Board of the District deems necessary to the proper operation and functioning of the District which are not otherwise adequately provided for by the laws applicable to municipal utility districts.

Section 8: The President and Secretary of the Board, or the Vice-President and any Assistant Secretary, are authorized to:

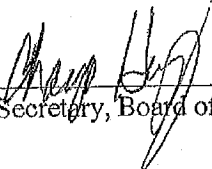
- (1) petition the TCEQ pursuant to the provisions of Sections 54.030 to 54.036 of the Code for a hearing to be held on the question of conversion of the District into a municipal utility district;
- (2) testify at the hearing for and on behalf of the Board of the District in favor of the conversion of the District and relate the reasons for the Board's finding that the best interest of the District will be served and the land and property included therein will be benefited by converting the District into a municipal utility district;
- (3) request that the name of the District remain the same after conversion;
- (4) advise the TCEQ that there are no specific powers granted to water control and improvement districts which the Board of the District feels are necessary to be retained for the effectual operation of the District; and
- (5) make such prayers for and on behalf of the Board as are proper, necessary and in keeping with the purposes of this Resolution.

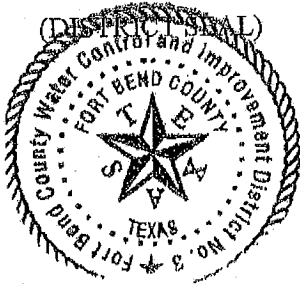
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EXECUTED as of this 21st day of December, 2012.

  
\_\_\_\_\_  
President, Board of Directors

ATTEST:

  
\_\_\_\_\_  
Secretary, Board of Directors



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF DISTRICT HEARING TCEQ Docket No. 2013-1052-DIS

**APPLICATION.** The Texas Commission on Environmental Quality (TCEQ) will conduct a hearing on an application for conversion of Fort Bend County Water Control and Improvement District No. 3 (District) to a Municipal Utility District (Application). The Application was filed with the TCEQ and included a certified copy of a resolution by the District's Board of Directors (Applicant). The TCEQ will conduct this hearing under the authority of Chapters 49 and 54 of the Texas Water Code, Title 30, Chapter 293 of the Texas Administrative Code and the procedural rules of the TCEQ. The TCEQ will conduct the hearing at:

9:30 a.m., Wednesday, January 15, 2014  
Building E, Room 201S  
12100 Park 35 Circle  
Austin, Texas

The District contains approximately 383.1 acres of land within Fort Bend County. The District's boundaries and properties currently excluded from the District are set forth in property descriptions available for public review upon request at either the District's office or at the TCEQ's office. A copy of the District's site map is available for public review upon request at either the District's office or at the TCEQ's office. The District was created by the Fort Bend County Commissioners' Court on November 25, 1997, as a water control and improvement district under Article XVI, Section 59 of the Texas Constitution with the authority to provide water service. The Applicant adopted and entered in its minutes a resolution in which the Applicant determined that conversion in a municipal utility district would serve the District's best interest and would be a benefit to land and property included in the District. The Board's Resolution, executed December 21, 2012 is attached as Exhibit "A".

**HEARING.** As required by the Texas Water Code Chapter § 54.032 and Title 30 of the Texas Administrative Code Section § 293.15, the above hearing regarding this application will be held no earlier than 14 days after notice of this hearing is published in a newspaper with general circulation in the county or counties in which the District is located. The purpose of this hearing is to provide all interested persons the opportunity to appear and offer testimony for or against the proposal contained in the resolution.

At the hearing, pursuant to the Texas Water Code § 54.033 the Commission will determine if converting the current district into a municipal utility district, that operates under Texas Water Code Chapter 54 would serve the best interest of the District and would be a benefit to the land and property included in the District, or, if there is any opposition to the proposed conversion, the Commission may refer the application to the State Office of Administrative Hearings for a contested case hearing on the application.

**INFORMATION.** For information regarding the date and time this application will be heard before the Commission, please submit written inquiries to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087, or by phone at 1-512-239-3300. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Creation Review Team at 1-512-239-4691. General information regarding TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

**Si desea información en Español, puede llamar al 1-512-239-0200.**

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the TCEQ Office of Public Assistance at 1-800-687-4040 or 1-800-RELAY-TX (TDD), at least one week prior to the hearing.

Issued: October 4, 2013



TCEQ - Office of the Chief Clerk  
 MC-105 Attention: Notice Team  
 PO Box 13087  
 Austin TX 78711-3087

Applicant Name: Fort Bend CWCID No. 3  
 TCEQ Tracking No. 2013-1052-DIS CID Item No. 87745  
 Application Type: NOTICE OF DISTRICT HEARING

TEXAS  
 COMMISSION  
 ON ENVIRONMENTAL  
 QUALITY  
 2013 OCT 31 PM 3:09  
 CHIEF CLERK'S OFFICE

### AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §

COUNTY OF: Fort Bend §

Before me, the undersigned authority, on this day personally appeared

Clyde King, who being by me duly  
 (name of newspaper representative)

sworn, deposes and says that (s)he is the President  
 (title of newspaper representative)

of the Fort Bend Herald; that said newspaper is  
 (name of newspaper)

regularly published or circulated in Fort Bend County/Countries,  
 (name of county or counties)

Texas; that the attached notice was published in said newspaper on the following dates:

October 11, 2013 and October 18, 2013  
 (date or dates of publication)

[Signature]  
 Newspaper Representative's Signature

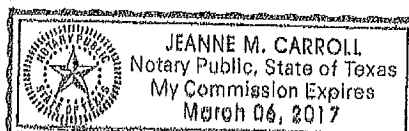
Subscribed and sworn to before me this the 22nd day of Oct,  
 2013, to certify which witness my hand and seal of office.

[Signature]  
 Notary Public in and for the State of Texas

(Seal)

Jeanne M. Carroll  
 Print or type Name of Notary Public

My Commission Expires March 06, 2017



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF DISTRICT HEARING  
TCEQ Docket No. 2013-1052-DIS

**APPLICATION.** The Texas Commission on Environmental Quality (TCEQ) will conduct a hearing on an application for conversion of Fort Bend County Water Control and Improvement District No. 3 (District) to a Municipal Utility District (Application). The Application was filed with the TCEQ and included a certified copy of a resolution by the District's Board of Directors (Applicant). The TCEQ will conduct this hearing under the authority of Chapters 49 and 54 of the Texas Water Code, Title 30, Chapter 203 of the Texas Administrative Code and the procedural rules of the TCEQ. The TCEQ will conduct the hearing at:

9:30 a.m., Wednesday, January 15, 2014  
Building E, Room 2018  
12100 Park 36 Circle  
Austin, Texas

The District contains approximately 383.1 acres of land within Fort Bend County. The District's boundaries and properties currently excluded from the District are set forth in property descriptions available for public review upon request at either the District's office or at the TCEQ's office. A copy of the District's site map is available for public review upon request at either the District's office or at the TCEQ's office. The District was created by the Fort Bend County Commissioners' Court on November 26, 1997, as a water control and improvement district under Article XVI, Section 59 of the Texas Constitution with the authority to provide water service. The Applicant adopted and entered in its minutes a resolution in which the Applicant determined that conversion to a municipal utility district would serve the District's best interest and would be a benefit to land and property included in the District. The Board's Resolution, executed December 21, 2012 is attached as Exhibit "A."

**HEARING.** As required by the Texas Water Code Chapter 54.032 and Title 30 of the Texas Administrative Code Section 203.15, the above hearing regarding this application will be held no earlier than 14 days after notice of this hearing is published in a newspaper with general circulation in the county or counties in which the District is located. The purpose of this hearing is to provide all interested persons the opportunity to appear and offer testimony for or against the proposal contained in the resolution.

At the hearing, pursuant to the Texas Water Code § 54.033 the Commission will determine if converting the current district into a municipal utility district, that operates under Texas Water Code Chapter 54 would serve the best interest of the District and would be a benefit to the land and property included in the District, or, if there is any opposition to the proposed conversion, the Commission may refer the application to the State Office of Administrative Hearings for a contested case hearing on the application.

**INFORMATION.** For information regarding the date and time this application will be heard before the Commission, please submit written inquiries to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087, or by phone at 1-512-239-3300. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the District's Creation Review Team at 1-512-239-4691. General information regarding TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

Si desea información en Español, puede llamar al 1-512-239-0200.

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the TCEQ Office of Public Assistance at 1-800-687-4040 or 1-800-RELAY-TX (TDD), at least one week prior to the hearing.

Issued: October 4, 2013



EXHIBIT "A"

CERTIFICATE FOR AMENDED AND RESTATED RESOLUTION DECLARING DISTRICT BE CONVERTED  
TO A MUNICIPAL UTILITY DISTRICT AND REQUESTING HEARING ON CONVERSION

THE STATE OF TEXAS

COUNTY OF FORT BEND

FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 3

We, the undersigned officers of the Board of Directors of Fort Bend County Water Control and Improvement District No. 3 (the "District"), hereby certify as follows:

The Board convened in regular session, open to the public, on the 21st day of December, 2012, at the regular meeting place thereof, and the roll was called of the members of the Board, to-wit:

Ann Hall	President
Jim Grissom	Vice President
Chavo Hurt	Secretary
Lloyd W. Knapp	Assistant Secretary
Christina G. Smith	Assistant Secretary

All members of the Board were present, except the following absentees: Michael Smith thus constituting a quorum. Whereupon, among other business, the following was transacted at such meeting:

RESOLUTION DECLARING DISTRICT BE CONVERTED TO A  
MUNICIPAL UTILITY DISTRICT AND REQUESTING HEARING ON CONVERSION

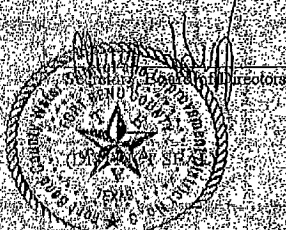
was duly introduced for the consideration of the Board. It was then duly moved and seconded that such Resolution be adopted; and, after due discussion, such motion, carrying with it the adoption of said Resolution, prevailed and carried by the following vote:

AYES: 4

NOES: 0

A true, full, and correct copy of the aforesaid Resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this Certificate; such Resolution has been duly recorded in said Board's minutes of such meeting; the above and foregoing paragraph is a true, full, and correct excerpt from the Board's minutes of such meeting pertaining to the adoption of such Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally in advance of the time, place, and purpose of such meeting and that such Resolution would be introduced and considered for adoption at such meeting and each of such officers and members consented in advance to the holding of such meeting for such purpose; such meeting was open to the public, as required by law, and public notice of the time, place and purpose of such meeting was given as required by V.T.C.A., Government Code, Chapter 351, as amended.

SIGNED AND SEALED this 21st day of December, 2012.



Ann Hall  
President, Board of Directors

**RESOLUTION DECLARING DISTRICT BE CONVERTED TO A  
MUNICIPAL UTILITY DISTRICT AND REQUESTING HEARING ON CONVERSION**

THE STATE OF TEXAS

COUNTY OF FORT BEND

FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 3

WHEREAS, Fort Bend County Water Control and Improvement District No. 3 (the "District") has heretofore been duly created as a water control and improvement district and is organized and operating pursuant to the provisions of Article XVI, Section 59 of the Texas Constitution and Chapters 49 and 54 of the Texas Water Code (the "Code"), as amended; and

WHEREAS, Sections 54.030 to 54.036 of the Code, both inclusive, permit a water control and improvement district to be converted into a municipal utility district to be governed by the provisions of Chapter 54 of the Code; and

WHEREAS, the Board of Directors (the "Board") of the District has considered the matter and has found that it would serve the best interest of the District and would be a benefit to the land and property included in the District for the District to be converted from a water control and improvement district into a municipal utility district operating under and governed by the provisions of Chapters 49 and 54 of the Code, and Article XVI, Section 59, Texas Constitution; and

WHEREAS, the Board desires to request the Texas Commission on Environmental Quality ("TCEQ") to hold a hearing on the question of the conversion of the District

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 3 THAT:

Section 1: The matters and facts recited in the preamble to this Resolution are hereby found and declared to be true and correct.

Section 2: In the judgment of the Board of Directors of Fort Bend County Water Control and Improvement District No. 3, it would serve the best interest of the District and would be a benefit to the land and property included in the District for the District to be converted from a water control and improvement district into a municipal utility district operating under and governed by Chapters 49 and 54, Texas Water Code, as amended, and Article XVI, Section 59, Texas Constitution.

Section 3: The Board, by and through this Resolution, specifically requests, pursuant to 30 T.A.C. 293.15(b)(3), that the TCEQ waive the requirement that the District submit a preliminary plan showing the location of existing facilities including highways, roads, and other improvements together with the location of proposed utility mains and sizing, general drainage planning, principal drainage ditches and structures, utility plant sites, recreational areas, commercial and school sites, areas within the 100-year flood plain, and any other information pertinent to the project, as this Resolution does not contemplate a project, and is simply for conversion of the District to a municipal utility district operating under Chapters 49 and 54, Texas Water Code, as amended.

Section 4: The Board, by and through this Resolution, specifically requests, pursuant to 30 T.A.C. 293.15(b)(4), that the TCEQ waive the requirement that the District submit a preliminary engineering report, as this Resolution is for conversion of the District to a municipal utility district operating under Chapters 49 and 54, Texas Water Code, as amended.

Section 5: The Board, by and through this Resolution, specifically requests the TCEQ to hold a hearing on the question of the conversion of the District into a municipal utility district.

Section 6: It, after the hearing, the TCBO finds that it would serve the best interest of the District and would be a benefit to the land and property in the District for the District to be converted from a water control and improvement district into a municipal utility district, and if the TCBO enters its order so converting the District, the Board hereby requests that the TCBO include in its order a provision declaring that the name of the District remain the same after the conversion.

Section 7: There are no specific powers applicable to water control and improvement districts which the Board of the District deems necessary to the proper operation and functioning of the District which are not otherwise adequately provided for by the laws applicable to municipal utility districts.

Section 8: The President and Secretary of the Board, or the Vice-President and any Assistant Secretary, are authorized to:

(1) petition the TCBO pursuant to the provisions of Sections 54.030 to 54.036 of the Code for a hearing to be held on the question of conversion of the District into a municipal utility district;

(2) testify at the hearing for and on behalf of the Board of the District in favor of the conversion of the District and relate the reasons for the Board's finding that the best interest of the District will be served and the land and property included therein will be benefited by converting the District into a municipal utility district;

(3) request that the name of the District remain the same after conversion;

(4) advise the TCBO that there are no specific powers granted to water control and improvement districts which the Board of the District feels are necessary to be retained for the efficient operation of the District; and

(5) make such prayers for and on behalf of the Board as are proper, necessary and in keeping with the purposes of this Resolution.

[THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]

EXECUTED as of this 21st day of December, 2012.

ATTEST

President, Board of Directors

Secretary, Board of Directors



# SK LAW

Sanford | Kuhl | Hagan | Kugle | Parker | Kahn LLP

1980 POST OAK BOULEVARD  
SUITE 1380

HOUSTON, TEXAS 77056

(713) 850-9000

FAX: (713) 850-1330

www.sklaw.us

JOSHUA J. KAHN

kahn@sklaw.us

October 29, 2013

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2013 OCT 31 PM 3:09  
CHIEF CLERK'S OFFICE

**VIA CERTIFIED MAIL**

TCEQ – Office of the Chief Clerk  
MC-105 Attention: Notice Teach  
PO Box 13087  
Austin, Texas 78711-3087

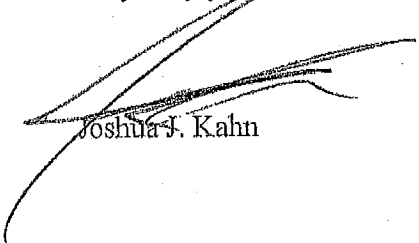
Re: Fort Bend County Water Control and Improvement District No. 3  
Application Type: Notice of District Hearing  
TCEQ Tracking No.: 2013-1052-DIS CID Item No.: 87745

Dear Notice Team:

On behalf of our client, Fort Bend County Water Control and Improvement District No. 3, enclosed please find an Affidavit of Publication, with clippings attached, for the Notice of District Hearing. The Notice of District Hearing was published once a week for two consecutive weeks on October 11, 2013 and October 18, 2013.

Thank you for your attention to this matter. Please direct any requests for additional documents or information to the undersigned at 713/850-9000.

Very truly yours,



Joshua J. Kahn

Enclosures

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF DISTRICT HEARING TCEQ Docket No. 2013-1052-DIS

**APPLICATION.** The Texas Commission on Environmental Quality (TCEQ) will conduct a hearing on an application for conversion of Fort Bend County Water Control and Improvement District No. 3 (District) to a Municipal Utility District (Application). The Application was filed with the TCEQ and included a certified copy of a resolution by the District's Board of Directors (Applicant). The TCEQ will conduct this hearing under the authority of Chapters 49 and 54 of the Texas Water Code, Title 30, Chapter 293 of the Texas Administrative Code and the procedural rules of the TCEQ. The TCEQ will conduct the hearing at:

9:30 a.m., Wednesday, January 15, 2014  
Building E, Room 201S  
12100 Park 35 Circle  
Austin, Texas

The District contains approximately 383.1 acres of land within Fort Bend County. The District's boundaries and properties currently excluded from the District are set forth in property descriptions available for public review upon request at either the District's office or at the TCEQ's office. A copy of the District's site map is available for public review upon request at either the District's office or at the TCEQ's office. The District was created by the Fort Bend County Commissioners' Court on November 25, 1997, as a water control and improvement district under Article XVI, Section 59 of the Texas Constitution with the authority to provide water service. The Applicant adopted and entered in its minutes a resolution in which the Applicant determined that conversion in a municipal utility district would serve the District's best interest and would be a benefit to land and property included in the District. The Board's Resolution, executed December 21, 2012 is attached as Exhibit "A".

**HEARING.** As required by the Texas Water Code Chapter § 54.032 and Title 30 of the Texas Administrative Code Section § 293.15, the above hearing regarding this application will be held no earlier than 14 days after notice of this hearing is published in a newspaper with general circulation in the county or counties in which the District is located. The purpose of this hearing is to provide all interested persons the opportunity to appear and offer testimony for or against the proposal contained in the resolution.

At the hearing, pursuant to the Texas Water Code § 54.033 the Commission will determine if converting the current district into a municipal utility district, that operates under Texas Water Code Chapter 54 would serve the best interest of the District and would be a benefit to the land and property included in the District, or, if there is any opposition to the proposed conversion, the Commission may refer the application to the State Office of Administrative Hearings for a contested case hearing on the application.

**INFORMATION.** For information regarding the date and time this application will be heard before the Commission, please submit written inquiries to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087, or by phone at 1-512-239-3300. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Creation Review Team at 1-512-239-4691. General information regarding TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

**Si desea información en Español, puede llamar al 1-512-239-0200.**

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the TCEQ Office of Public Assistance at 1-800-687-4040 or 1-800-RELAY-TX (TDD), at least one week prior to the hearing.

Issued: October 4, 2013

## EXHIBIT "A"

### CERTIFICATE FOR AMENDED AND RESTATED RESOLUTION DECLARING DISTRICT BE CONVERTED TO A MUNICIPAL UTILITY DISTRICT AND REQUESTING HEARING ON CONVERSION

THE STATE OF TEXAS

COUNTY OF FORT BEND

FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 3

We, the undersigned officers of the Board of Directors of Fort Bend County Water Control and Improvement District No. 3 (the "District"), hereby certify as follows:

1. The Board convened in regular session, open to the public, on the 21st day of December, 2012, at the regular meeting place thereof, and the roll was called of the members of the Board, to-wit:

Ann Heil	-	President
Jim Grissom	-	Vice President
Chayo Huff	-	Secretary
Lloyd W. Knapp	-	Assistant Secretary
<del>Chris Raper</del> Gloria Covin	-	Assistant Secretary

All members of the Board were present, except the following absentees: Dwight Couch, thus constituting a quorum. Whereupon, among other business, the following was transacted at such meeting:

#### RESOLUTION DECLARING DISTRICT BE CONVERTED TO A MUNICIPAL UTILITY DISTRICT AND REQUESTING HEARING ON CONVERSION

was duly introduced for the consideration of the Board. It was then duly moved and seconded that such Resolution be adopted; and, after due discussion, such motion, carrying with it the adoption of said Resolution, prevailed and carried by the following vote:

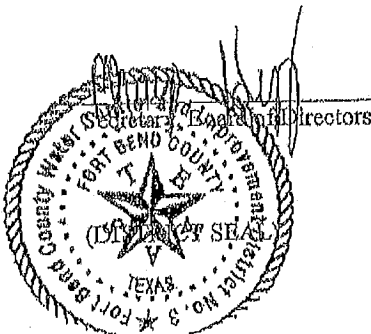
AYES: 4

NOES: 0

2. A true, full, and correct copy of the aforesaid Resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this Certificate; such Resolution has been duly recorded in said Board's minutes of such meeting; the above and foregoing paragraph is a true, full, and correct excerpt from the Board's minutes of such meeting pertaining to the adoption of such Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance of the time, place, and purpose of such meeting and that such Resolution would be introduced and considered for adoption at such meeting and each of such officers and members consented, in advance, to the holding of such meeting for such purpose; such meeting was open to the public, as required by law, and public notice of the time, place and purpose of such meeting was given as required by V.T.C.A., Government Code, Chapter 551, as amended.

SIGNED AND SEALED this 21st day of December, 2012.

Ann Heil  
President, Board of Directors





RESOLUTION DECLARING DISTRICT BE CONVERTED TO A  
MUNICIPAL UTILITY DISTRICT AND REQUESTING HEARING ON CONVERSION

THE STATE OF TEXAS

COUNTY OF FORT BEND

FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 3

§  
§  
§  
§  
§

WHEREAS, Fort Bend County Water Control and Improvement District No. 3 (the "District") has heretofore been duly created as a water control and improvement district and is organized and operating pursuant to the provisions of Article XVI, Section 59 of the Texas Constitution and Chapters 9 and 51 of the Texas Water Code (the "Code"), as amended; and

WHEREAS, Sections 54.030 to 54.036 of the Code, both inclusive, permit a water control and improvement district to be converted into a municipal utility district to be governed by the provisions of Chapter 54 of the Code; and

WHEREAS, the Board of Directors (the "Board") of the District has considered the matter and has found that it would serve the best interest of the District and would be a benefit to the land and property included in the District for the District to be converted from a water control and improvement district into a municipal utility district operating under and governed by the provisions of Chapters 49 and 54 of the Code, and Article XVI, Section 59, Texas Constitution; and

WHEREAS, the Board desires to request the Texas Commission on Environmental Quality ("TCEQ") to hold a hearing on the question of the conversion of the District.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 3 THAT:

Section 1: The matters and facts recited in the preamble to this Resolution are hereby found and declared to be true and correct.

Section 2: In the judgment of the Board of Directors of Fort Bend County Water Control and Improvement District No. 3, it would serve the best interest of the District and would be a benefit to the land and property included in the District for the District to be converted from a water control and improvement district into a municipal utility district operating under and governed by Chapters 49 and 54, Texas Water Code, as amended, and Article XVI, Section 59, Texas Constitution.

Section 3: The Board, by and through this Resolution, specifically requests, pursuant to 30 T.A.C. 293.15(b)(3), that the TCEQ waive the requirement that the District submit a preliminary plan showing the location of existing facilities including highways, roads, and other improvements together with the location of proposed utility mains and sizing, general drainage patterns, principal drainage ditches and structures, utility plant sites, recreational areas, commercial and school sites, areas within the 100-year flood plain, and any other information pertinent to the project, as this Resolution does not contemplate a project, and is simply for conversion of the District to a municipal utility district operating under Chapters 49 and 54, Texas Water Code, as amended.

Section 4: The Board, by and through this Resolution, specifically requests, pursuant to 30 T.A.C. 293.15(b)(4), that the TCEQ waive the requirement that the District submit a preliminary



engineering report, as this Resolution is for conversion of the District to a municipal utility district operating under Chapters 49 and 54, Texas Water Code, as amended.

Section 5: The Board, by and through this Resolution, specifically requests the TCEQ to hold a hearing on the question of the conversion of the District into a municipal utility district.

Section 6: If, after the hearing, the TCEQ finds that it would serve the best interest of the District and would be a benefit to the land and property in the District for the District to be converted from a water control and improvement district into a municipal utility district, and if the TCEQ enters its order so converting the District, the Board hereby requests that the TCEQ include in its order a provision declaring that the name of the District remain the same after the conversion.

Section 7: There are no specific powers applicable to water control and improvement districts which the Board of the District deems necessary to the proper operation and functioning of the District which are not otherwise adequately provided for by the laws applicable to municipal utility districts.

Section 8: The President and Secretary of the Board, or the Vice-President and any Assistant Secretary, are authorized to:

(1) petition the TCEQ pursuant to the provisions of Sections 54.030 to 54.036 of the Code for a hearing to be held on the question of conversion of the District into a municipal utility district;

(2) testify at the hearing for and on behalf of the Board of the District in favor of the conversion of the District and relate the reasons for the Board's finding that the best interest of the District will be served and the land and property included therein will be benefited by converting the District into a municipal utility district;

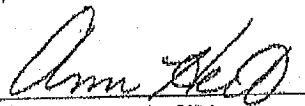
(3) request that the name of the District remain the same after conversion;

(4) advise the TCEQ that there are no specific powers granted to water control and improvement districts which the Board of the District feels are necessary to be retained for the effectual operation of the District; and

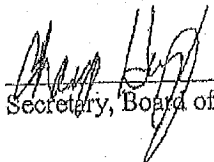
(5) make such prayers for and on behalf of the Board as are proper, necessary and in keeping with the purposes of this Resolution.

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EXECUTED as of this 21st day of December, 2012.

  
President, Board of Directors

ATTEST:

  
Secretary, Board of Directors



Bryan W. Shaw, Ph.D., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 4, 2013

Ms. Ann Heil, President  
Fort Bend County WCID No 3  
c/o Mr. Josh Kahn  
1980 Post Oak Blvd, Ste 1380  
Houston, Tx 77056

RE: TCEQ Docket No. 2013-1052-DIS; TCEQ Internal Control No. D01232013010  
Publication of Notice of District Hearing regarding conversion of Fort Bend County  
Water Control and Improvement District No. 3 to a Municipal Utility District

Dear Ms. Heil:

Enclosed is a copy of the Notice of District Hearing for conversion of Fort Bend County  
Water Control and Improvement District No. 3 to a Municipal Utility District. Please  
carefully review the notice for accuracy prior to publication. Contact Ren Berra in the  
District Administration Office, at 512-239-6009, if the notice is found to be in error.

You are required to publish this notice, at your client's expense, in a newspaper with  
general circulation in the county or counties in which the District is located.

**Publication shall be once a week for two consecutive weeks. The first  
publication should take place no later than October 13, 2013.**

After the notice has been published please submit the original affidavit of publication,  
together with an original tear sheet from the newspaper in which you published the  
notice, to the Office of the Chief Clerk (Mail Code 105). **The Chief Clerk's Office  
should receive the affidavits no later than December 06, 2013.**

If you have any questions regarding these publication requirements, please contact Irma  
Salazar in the office at 512-239-1328.

Sincerely,

A handwritten signature in cursive script that reads "Bridget C. Bohac".

Bridget C. Bohac  
Chief Clerk

BCB/is

Enclosures

cc: To all on attached mailing list

Mailing List  
Docket No. 2013-1052-DIS  
Fort Bend County WCID No. 3  
TCEQ Internal Control No. D-01232013-010

Ms. Ann Heil, President  
Fort Bend County WCID No. 3  
c/o Mr. Josh Kahn  
1980 Post Oak Blvd., Suite 1380  
Houston, Texas 77056-3970

Mr. Josh Kahn  
1980 Post Oak Blvd., Suite 1380  
Houston, Texas 77056-3970

Mr. Trey Schneider, P.E.  
PBK Engineers  
11 E. Greenway Plaza, Suite 2210  
Houston, Texas 77046-1162

Ms. Ashley K. Wadick, Regional Director  
TCEQ Region 12  
5425 Polk Street, Suite H  
Houston, Texas 77023-1452

Ms. Mona Matak, City Secretary  
City of Richmond, City Hall  
402 Morton Street  
Richmond, Texas 77469

Mr. Jack Steele, Executive Director  
Houston-Galveston Area Council  
P.O. Box 22777  
Houston, Texas 77227-2777

Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087

Todd Galiga, Environmental Law Division, MC-173  
Ren Berra, Utilities and Districts Section, Water Supply Division, MC-152  
Sandy Van Cleave, Utilities and Districts Section, Water Supply Division, MC-152  
Komal Patel, Utilities and Districts Section, Water Supply Division, MC-153  
Blas Coy, Office of the Public Interest Counsel, MC-103

TCEQ - Office of the Chief Clerk  
MC-105 Attention: Notice Team  
PO Box 13087  
Austin TX 78711-3087

Applicant Name: Fort Bend CWCID No. 3  
TCEQ Tracking No. 2013-1052-DIS CID Item No. 87745  
Application Type: NOTICE OF DISTRICT HEARING

## AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §

COUNTY OF: \_\_\_\_\_ §

Before me, the undersigned authority, on this day personally appeared

\_\_\_\_\_, who being by me duly  
(name of newspaper representative)

sworn, deposes and says that (s)he is the \_\_\_\_\_  
(title of newspaper representative)

of the \_\_\_\_\_ ; that said newspaper is  
(name of newspaper)

regularly published or circulated in \_\_\_\_\_ County/Countries,  
(name of county or counties)

Texas; that the attached notice was published in said newspaper on the following dates:

\_\_\_\_\_  
(date or dates of publication)

\_\_\_\_\_  
Newspaper Representative's Signature

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_,  
20 \_\_\_\_\_, to certify which witness my hand and seal of office.

(Seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or type Name of Notary Public

My Commission Expires \_\_\_\_\_

**Irma Salazar**

---

**From:** Irma Salazar  
**Sent:** Wednesday, November 06, 2013 9:01 AM  
**To:** Ren Berra  
**Cc:** Melissa Chao; Sandra Lopez Hernandez; Justin Taack; Todd Galiga  
**Subject:** FORT BEND COUNTY WCID 3 / 2013-1052-DIS

We have received proof of newspaper publication for the above referenced, evidencing publication on October 11 and October 18, 2013 in the *Fort Bend Herald*. The affidavit states said newspaper is regularly published or circulated in Fort Bend County, Texas.

This item is set on the Commission Agenda for January 15, 2014.

The documents are being prepared for filing and will be available for viewing by requesting the file at the front desk of OCC within the next few days.





Mailing List  
Docket No. 2013-1052-DIS  
Fort Bend County WCID No. 3  
TCEQ Internal Control No. D-01232013-010

Ms. Ann Heil, President  
Fort Bend County WCID No. 3  
c/o Mr. Josh Kahn  
1980 Post Oak Blvd., Suite 1380  
Houston, Texas 77056-3970

Mr. Josh Kahn  
1980 Post Oak Blvd., Suite 1380  
Houston, Texas 77056-3970

Mr. Trey Schneider, P.E.  
PBK Engineers  
11 E. Greenway Plaza, Suite 2210  
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Sandy Van Cleave, Utilities and Districts Section, Water Supply Division, MC-152  
Komal Patel, Utilities and Districts Section, Water Supply Division, MC-153  
Blas Coy, Office of the Public Interest Counsel, MC-103



## **CAPTION**

**Docket No. 2013-1052-DIS.** Consideration of an application from the Board of Directors of the **Fort Bend County Water Control and Improvement District No. 3** ("District") for the conversion of the District to a Municipal Utility District, pursuant to the Texas Water Code, Chapters 49 and 54, and 30 Texas Administrative Code Section 293.15. The District is comprised of approximately 383.10 acres of land in **Fort Bend County**, Texas. (Kayla Murray, Ren Berra)

